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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2009-78

11 GREGORY J. PIGEON  
12 1169 N.E. Hudspeth Road  
Prineville, OR 97754

**ACCUSATION**

13 Registered Nursing License No. 281492  
14 Nurse Anesthetist Certificate No. 477

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about August 31, 1977, the Board of Registered Nursing issued  
23 Registered Nursing License Number 281492 to Gregory J. Pigeon (Respondent). The Registered  
24 Nursing License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on March 31, 2009, unless renewed. On or about March 8, 1984, the Board of  
26 Registered Nursing issued Nurse Anesthetist Certificate No. 477 to Respondent. The Certificate  
27 was in full force and effect at all times relevant to the charges brought herein and will expire on  
28 March 31, 2009, unless renewed.

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3. This Accusation is brought before the Board of Registered Nursing

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1           "(a) Assaultive or abusive conduct including, but not limited to, those violations  
2 listed in subdivision (d) of Penal Code Section 11160.

3           "(b) Failure to comply with any mandatory reporting requirements.

4           "(c) Theft, dishonesty, fraud, or deceit.

5           "(d) Any conviction or act subject to an order of registration pursuant to Section  
6 290 of the Penal Code."

7           8.       Section 2764 of the Code provides, in pertinent part, that the expiration of  
8 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
9 against the licensee or to render a decision imposing discipline on the license.

10          9.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
11 request the administrative law judge to direct a licensee found to have committed a violation or  
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
13 and enforcement of the case.

14           10.     **Drugs.**

15           Glycopyrrolate blocks peripheral muscarinic receptors, thus inhibiting cholinergic  
16 transmission. In anesthesia, glycopyrrolate injection can be used as a preoperative medication in  
17 order to reduce salivary, tracheobronchial, and pharyngeal secretions, as well as decreasing the  
18 acidity of gastric secretion. It is a dangerous drug per Code section 4022.

19           Zemuron is used for relaxing muscles during surgery and mechanical breathing.  
20 Zemuron is a nondepolarizing neuromuscular blocker. It works by blocking nerve impulses to  
21 the muscles, resulting in temporary muscle paralysis. It is a dangerous drug per Code section  
22 4022.

23           Ephedrine is commonly used as a stimulant, appetite suppressant, concentration  
24 aid, decongestant, and to treat hypotension associated with anaesthesia. It is a dangerous drug  
25 per Code section 4022.

26           Edrophonium is a readily reversible acetylcholinesterase inhibitor. It prevents  
27 breakdown of the neurotransmitter acetylcholine and acts by competitively inhibiting the enzyme  
28 acetylcholinesterase, mainly at the neuromuscular junction. It is a dangerous drug per Code

1 section 4022.

2 Lidocaine is a common local anesthetic and antiarrhythmic drug. Lidocaine is  
3 used topically to relieve itching, burning and pain from skin inflammations, injected as a dental  
4 anesthetic, and in minor surgery. It is a dangerous drug per Code section 4022.

5 Fentanyl is a powerful opioid analgesic with a potency approximately 81 times  
6 that of morphine, is a Schedule II controlled substance as designated by Health and Safety Code  
7 section 11055(c)(8) and is a dangerous drug per Code section 4022.

8 Ketorolac is a non-steroidal anti-inflammatory drug (NSAID) in the family of  
9 heterocyclic acetic acid derivatives, often used as an analgesic, antipyretic (fever reducer), and  
10 anti-inflammatory. It is a dangerous drug per Code section 4022.

11 Versed is a benzodiazepine derivative. It has powerful anxiolytic, amnestic,  
12 hypnotic, anticonvulsant, skeletal muscle relaxant and sedative properties, is a Schedule II  
13 controlled substance as designated by Health and Safety Code section 11057(d)(21) and is a  
14 dangerous drug per Code section 4022.

15 Ondansetron or Zofran is a serotonin 5-HT3 receptor antagonist used mainly as an  
16 antiemetic to treat nausea and vomiting following chemotherapy. It is a dangerous drug per  
17 Code section 4022.

#### 18 19 FACTUAL BACKGROUND

20 11. On or about March 18, 2007, Respondent, a traveling nurse anesthetist,  
21 was attempting to go through the security checkpoint at the Arcata/Eureka Airport in California.  
22 He was stopped because his carry-on bag contained the following items: a 5 ml syringe  
23 containing clear liquid and labeled glycopyrrolate 5 mg.; a 5 ml syringe containing clear liquid  
24 and labeled zemuron 10 mg.; a 5 ml syringe containing clear liquid and labeled ephedrine; a 5 ml  
25 syringe containing clear liquid and labeled edrophonium; a 5 ml syringe containing clear liquid  
26 and labeled lidocaine; a 5 ml empty syringe labeled fentanyl; a 3 ml empty syringe labeled  
27 ketorolac; a 3 ml empty syringe labeled versed; a 3 ml empty syringe labeled ondansetron; and  
28 empty 20 ml syringe. The syringes were wrapped in a towel, and one of them did not have a cap

1 on the needle.

2 12. Respondent advised a Division of Investigations Investigator that he often  
3 takes medications from hospitals where he works, to refill his supplies for use on patients at other  
4 facilities.

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FIRST CAUSE FOR DISCIPLINE

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(UNPROFESSIONAL CONDUCT)

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13. Respondent is subject to disciplinary action under section 2761(a) in that  
he acted unprofessionally when he brought controlled substances to the Arcata/Eureka Airport  
security checkpoint wrapped in a towel in a carry-on bag containing an exposed hypodermic  
needle, which could have injured airport security personnel.

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14. Respondent is subject to disciplinary action under section 2761(a) in that  
he acted unprofessionally when he took medications from hospitals where he was employed, to  
stock his own supplies.

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15. Respondent is subject to disciplinary action under section 2761(a) within  
the meaning of California Code of Regulations, title 16, section 1444, in that he committed an act  
substantially related to the qualifications, functions or duties of a registered nurse, namely theft,  
when he took medications from hospitals where he was employed, to stock his own supplies.

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SECOND CAUSE FOR DISCIPLINE

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(GROSS NEGLIGENCE)

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16. Respondent is subject to disciplinary action under section 2761(a)(1) in  
that he was grossly negligent when he brought controlled substances to the Arcata/Eureka Airport  
security checkpoint with a carry-on bag containing an exposed hypodermic needle, which could  
have injured airport security personnel.

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PRAYER

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WHEREFORE, Complainant requests that a hearing be held on the matters herein  
alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1                   1.     Revoking or suspending Registered Nursing License Number 281492,  
2 issued to Gregory J. Pigeon.

3                   2.     Ordering Gregory J. Pigeon to pay the Board of Registered Nursing the  
4 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
5 Professions Code section 125.3;

6                   3.     Taking such other and further action as deemed necessary and proper.

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8 DATED: 10/2/08

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12 RUTH ANN TERRY, M.P.H., R.N.  
13 Executive Officer  
14 Board of Registered Nursing  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant

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